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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,563	04/27/2001	Hideyuki Agata	450100-03200	3012

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EXAMINER	
CHUONG, TRUC T	
ART UNIT	**PAPER NUMBER**
2179	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/844,563	AGATA ET AL.	
	Examiner	Art Unit	
	Truc T Chuong	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to Amendment, filed 10/06/04.

2. Claims 1-22 are pending in this application. Claims 1, 11, 15, and 19 are independent claims. In the Amendment, claims 1, 6, 7, 11, 15, and 19 are amended. This action is made non-final.

3. During the prosecution of the case, the office has to issue another none-final action because there is 101 a problem in claims 15-18.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 15-18 are rejected under 35 U.S.C. 101. The claimed invention is directed to non-statutory subject matter. In claim 15, a computer program per se is non statutory as not being tangibly embodied in a manner so as to be executable.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-2, and 4-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al. (U.S. Patent No. 6,144,375) in view of Gilligan et al. (European Patent Application 0609819 A1).

As to claim 1, Jain teaches an information processing apparatus for executing predetermined processing in accordance with a first operation, a second operation, or a third operation, comprising:

first display control means for controlling, in accordance with said first operation (412 and 414 of fig. 7, e.g., col. 25 line 44-col. 26 line 25) or said second operation performed through said operating means, the display of an image for browsing corresponding to content recorded on a recording medium (select favorite video events, e.g., col. 25 lines 44-67, and figs. 7-9); and

reproduction means for reproducing content corresponding to said image for browsing of which display is kept in a selected state by said first display control means if said third operation has been performed through said operating means (selecting bookmark bin 412 to play a video sequence, e.g., col. 25 lines 44-67, and fig. 7); however, Jain does not provide jog dial in operating to perform the operation. Gilligan clearly teaches a device comprising a displaceable knob mounted on one side of the mouse housing is provided for concurrent scrolling by using the thumb of the same hand which holds the mouse to allow different scrolling scale settings, including scrolling in a normal direction to the screen plane (i.e., between successive data layers) (see the Abstract and figs. 1A-C and 3A-B). It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to have the scrolling control knob of Gilligan in the Viewer of Jain to provide more convenience to the user when using the mouse with the same hand/thumb in operating/moving/scrolling among tasks (Abstract).

As to claim 2, Jain teaches an information processing apparatus according to claim 1, wherein said first display control means controls the display of said image for browsing such that said image for browsing is linearly aligned (e.g., bookmark 412 provides a list of clips in a sequence, fig. 7, and element 506 of fig. 9).

As to claim 4, Jain teaches an information processing apparatus according to claim 1, wherein said first display control means controls the display of said image for browsing such that said image for browsing is spirally aligned in a three-dimensional space (3D model, e.g., col. 24 lines 1-25).

As to claim 5, Jain in view of Gilligan teaches an information processing apparatus according to claim 1, wherein said first display control means controls the display of said image for browsing such that said image for browsing is aligned in a planar manner (element 412 of fig. 7).

As to claim 6, Jain teaches an information processing apparatus according to claim 1, further comprising:

second display control means for controlling, in accordance with said first operation (406, 420, and 4424 of fig. 7) or said second operation performed through said jog dial means, the display of an icon of an application program which uses said content to be reproduced by said reproduction means (icons, e.g., Table 1 col. 17, and figs. 7 & 9); and

starting means for starting (play button in the control area, e.g., col. 22 lines 6-50, element 414 of fig. 7), if said third operation is performed through said jog dial means with the display of an icon of a predetermined application program kept in an active state by said second display control means (e.g., toggle function, col. 23 lines 1-48) said predetermined application

program of which display of an icon is kept in the active state (freeze a video frame and take a snapshot, e.g., col. 23 lines 1-30).

As to claim 7, Jain in view of Gilligan teaches an information processing apparatus according to claim 6, wherein, when any display of the icon of said application program is kept in the active state by said second display control means and said third operation is performed through said jog dial means, said starting means ends said application program started (selecting a player or event from the bookmarks, e.g., col. 22 line 60-col. 23 line 30, and figs. 7 & 9).

As to claim 8, Jain teaches an information processing apparatus according to claim 1, wherein each of said first operation and said second operation is performed by rotating or turning a rotating or turning type dial (rotating control, e.g., col. 24 lines 55-61).

As to claim 9, Jain teaches an information processing apparatus according to claim 1, wherein said third operation is performed by depressing a rotating or turning type dial (rotating control, e.g., col. 24 lines 55-61).

As to claim 10, Jain teaches an information processing apparatus according to claim 1, wherein said first operation, said third operation, and said second operation are performed by switches arranged substantially in straight-line in this order (bookmarks and element 412 of fig. 7).

As to claims 11-14, they are method claims of apparatus claims 1, and 8-10. Note the rejections of claims 1, and 8-10 above respectively.

As to claims 15-18, they are computer program product claims of apparatus claims 1, and 8-10. Note the rejections of claims 1, and 8-10 above respectively.

As to claims 19-22, they are system claims of apparatus claims 1, and 8-10. Note the rejections of claims 1, and 8-10 above respectively.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al. (U.S. Patent No. 6,144,375) in view of Gilligan et al. (European Patent Application 0609819 A1), and further in view of Feyereisen et al. (U.S. Patent No. 6,289,277 B1).

As to claim 3, the modified of Jain teaches an information processing apparatus according to claim 1, wherein said first display control means controls the display of said image for browsing such that said image for browsing (Note the rejection of claim 1 above); however, the modified Jain and Gilligan does not teach that the image for browsing is aligned in a curve which constitutes a circle. Feyereisen clearly shows frames are displayed along great-circle paths (e.g., col. 6 lines 15-26). It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to have a great-circle display of Feyereisen in the modified of Jain to increase visibility for users when viewing or editing frames.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

03/06/05

BA HUYNH
PRIMARY EXAMINER